

House File 2531

H-8609

Amend House File 2531 as follows:

1. Page 42, after line 29 by inserting:

<DIVISION _____
WEAPONS _____

Sec. _____. Section 724.7, Code 2009, is amended to read as follows:

724.7 Nonprofessional permit to carry weapons.

Any person who ~~can reasonably justify going armed~~ may is not disqualified under section 724.8, who satisfies the training requirements of section 724.9, and who files an application in accordance with section 724.10 shall be issued a nonprofessional permit to carry weapons. Such permits shall be on a form prescribed and published by the commissioner of public safety, which shall be readily distinguishable from the professional permit, and shall identify the holder thereof, and state the reason for the issuance of the permit, and the limits of the authority granted by such permit of the permit. All permits so issued shall be for a ~~definite period as established by the issuing officer, but in no event shall exceed a period of twelve months~~ five years and shall be valid throughout the state except where the possession or carrying of a firearm is prohibited by state or federal law.

Sec. _____. Section 724.8, Code 2009, is amended to read as follows:

724.8 Persons eligible for permit to carry weapons.

No person shall be issued a professional or nonprofessional permit to carry weapons ~~unless~~ shall be issued to a person who meets any of the following conditions:

1. ~~The person is~~ Is less than eighteen years of age or older.

2. ~~The person has never been convicted of a felony.~~

3. ~~The person is not addicted to the use of alcohol or any controlled substance.~~

4. ~~The person has no history of repeated acts of violence.~~

5. ~~The issuing officer reasonably determines that the applicant does not constitute a danger to any person.~~

2. Is subject to the provisions of section 724.26.

~~6. 3. The person has never~~ Has, within the previous three years, been convicted of any crime serious or aggravated misdemeanor defined in chapter 708, except "assault" as defined in section 708.1 and "harassment" as defined in section 708.7 not involving the use of a firearm or explosive.

4. Is prohibited by federal law from shipping, possessing, or receiving a firearm.

1 5. Is a fugitive from justice as defined in 18
2 U.S.C. § 921(a)(15), pursuant to 18 U.S.C. § 922(d)(2)
3 or 18 U.S.C. § 922(g)(2).

4 6. Is an unlawful user of or addicted to any
5 controlled substance pursuant to 18 U.S.C. § 922(d)(3)
6 or 18 U.S.C. § 922(g)(3).

7 7. Has been adjudicated seriously mentally impaired
8 or been committed to a mental institution for purposes
9 of 18 U.S.C. § 922(d)(4) or 18 U.S.C. § 922(g)(4).

10 8. Is an alien illegally or unlawfully in the
11 United States or admitted to the United States under
12 a nonimmigrant visa, as those terms are used in 18
13 U.S.C. § 922(d)(5), 18 U.S.C. § 922(g)(5), or 18 U.S.C.
14 § 922(y).

15 9. Has been discharged from the armed forces
16 under dishonorable conditions pursuant to 18 U.S.C. §
17 922(d)(6) or 18 U.S.C. § 922(g)(6).

18 10. Has renounced the person's United States
19 citizenship pursuant to 18 U.S.C. § 922(d)(7) or 18
20 U.S.C. § 922(g)(7).

21 11. Is subject to a court order that restrains such
22 person from harassing, stalking, or threatening an
23 intimate partner or any child of the intimate partner,
24 as defined in 18 U.S.C. § 921(a)(32), pursuant to 18
25 U.S.C. § 922(d)(8) or 18 U.S.C. § 922(g)(8).

26 12. Has been convicted of a misdemeanor crime of
27 domestic violence as defined in 18 U.S.C. § 921(a)(33),
28 pursuant to 18 U.S.C. § 922(d)(9) or 18 U.S.C. §
29 922(g)(9).

30 13. Is under indictment for a crime punishable by
31 imprisonment for a term exceeding one year as defined
32 in 18 U.S.C. § 921(a)(20), pursuant to 18 U.S.C. §
33 922(n).

34 Sec. ____. Section 724.9, Code 2009, is amended by
35 striking the section and inserting in lieu thereof the
36 following:

37 **724.9 Firearm training program.**

38 1. An applicant shall demonstrate knowledge of
39 firearm safety by any of the following means:

40 a. Completion of any national rifle association
41 firearms safety or firearms training course.

42 b. Completion of any firearms safety or firearms
43 training course available to the general public
44 offered by a law enforcement agency, community
45 college, college, private or public institution or
46 organization, or firearms training school utilizing
47 instructors certified by the national rifle association
48 or the department of public safety or another state's
49 department of public safety, state police department,
50 or similar certifying body.

1 c. Completion of any law enforcement firearms
2 safety or firearms training course or class offered
3 for security guards, investigators, special deputies,
4 or any division or subdivision of a law enforcement or
5 security enforcement agency.
6 d. Evidence of equivalent experience with a firearm
7 through participation in any organized shooting
8 competition.
9 e. Completion of small arms training while serving
10 with the armed forces of the United States as evidenced
11 by any of the following:
12 (1) For personnel released or retired from active
13 duty, possession of an honorable discharge or general
14 discharge under honorable conditions.
15 (2) For personnel on active duty or serving in
16 one of the national guard or reserve components of
17 the armed forces of the United States, possession of
18 a certificate of completion of basic training with a
19 service record of successful completion of small arms
20 training and qualification.
21 f. Previously having held a license to carry a
22 firearm in this state, any political subdivision of
23 this state, or in a state recognized under section
24 724.11A, unless such license was revoked for cause.
25 g. Completion of a law enforcement agency firearms
26 training course that qualifies a peace officer to carry
27 a firearm in the normal course of the peace officer's
28 duties.
29 2. Evidence of qualification under this section may
30 be documented by any of the following:
31 a. A photocopy of a certificate of completion or
32 any similar document indicating completion of any
33 course or class identified in subsection 1.
34 b. An affidavit from the instructor, school,
35 organization, or group that conducted or taught a
36 course or class identified in subsection 1 attesting to
37 the completion of the course or class by the applicant.
38 c. A copy of any document indicating participation
39 in any firearms shooting competition.
40 d. A copy of a license described in subsection 1,
41 paragraph "f".
42 3. An issuing officer shall not condition the
43 issuance of a permit on training requirements that are
44 not specified in or that exceed the requirements of
45 this section.
46 Sec. _____. Section 724.10, Code 2009, is amended to
47 read as follows:
48 **724.10 Application for permit to carry weapons —**
49 **~~criminal history background check required.~~**
50 1. A person shall not be issued a permit to carry

1 weapons unless the person has completed and signed an
2 application on a form to be prescribed and published
3 by the commissioner of public safety. The application
4 shall ~~state~~ require only the full name, driver's
5 license or nonoperator's identification card number,
6 residence, place of birth, and age of the applicant,
7 and shall state whether the applicant ~~has ever been~~
8 ~~convicted of a felony, whether the person is addicted~~
9 ~~to the use of alcohol or any controlled substance, and~~
10 ~~whether the person has any history of mental illness or~~
11 ~~repeated acts of violence~~ meets the criteria specified
12 in sections 724.8 and 724.9. An applicant may provide
13 the applicant's social security number if the applicant
14 so chooses. The applicant shall also display an
15 identification card that bears a distinguishing number
16 assigned to the cardholder, the full name, date of
17 birth, sex, residence address, and a brief description
18 and colored photograph of the cardholder.

19 2. The sheriff issuing officer, upon receipt
20 of an initial or renewal application under this
21 section, shall ~~conduct~~ immediately conduct a criminal
22 history background check concerning each applicant by
23 obtaining criminal history data from the department of
24 public safety which shall include an inquiry of the
25 national instant criminal background system maintained
26 by the federal bureau of investigation or any successor
27 agency.

28 3. A person who knowingly makes a false statement
29 of material fact on the an application submitted under
30 this section or who knowingly submits any materially
31 falsified or forged document in connection with such
32 application commits a class "D" felony an aggravated
33 misdemeanor.

34 Sec. ____. Section 724.11, Code 2009, is amended to
35 read as follows:

36 **724.11 Issuance of permit to carry weapons.**

37 1. Applications for permits to carry weapons shall
38 be made to the sheriff of the county in which the
39 applicant resides. Applications from persons who are
40 nonresidents of the state, or whose need to go armed
41 arises out of employment by the state, shall be made
42 to the commissioner of public safety. In either case,
43 the issuance of the permit shall be by and at the
44 discretion of the sheriff or commissioner, who shall,
45 before issuing the permit, shall determine that the
46 requirements of sections 724.6 to 724.10 have been
47 satisfied. However, the training program requirements
48 in section 724.9 may shall be waived for renewal
49 permits.

50 2. The issuing officer shall collect a fee of ten

1 dollars, except from a duly appointed peace officer
2 or correctional officer, for each permit issued.
3 Renewal permits or duplicate permits shall be issued
4 for a fee of five dollars, provided the application
5 for such renewal permit is received by the issuing
6 officer at least thirty days prior to the expiration of
7 the applicant's current permit. The issuing officer
8 shall notify the commissioner of public safety of the
9 issuance of any permit at least monthly and forward to
10 the commissioner an amount equal to two dollars for
11 each permit issued and one dollar for each renewal
12 or duplicate permit issued. All such fees received
13 by the commissioner shall be paid to the treasurer
14 of state and deposited in the operating account of
15 the department of public safety to offset the cost
16 of administering this chapter. Any Notwithstanding
17 section 8.33, any unspent balance as of June 30 of each
18 year shall revert to the general fund as provided by
19 section 8.33 of the state.

20 3. The sheriff or commissioner of public safety
21 shall approve or deny an initial or renewal application
22 submitted under this section within thirty days of
23 receipt of the application. If the issuing officer
24 has not received a response to an information request
25 necessary to determine the applicant's eligibility at
26 the end of the thirty-day period and the applicant is
27 not otherwise disqualified, the issuing officer shall
28 issue a conditional permit to the applicant. The
29 conditional permit shall be readily distinguishable
30 in appearance from a five-year permit and shall be
31 immediately revoked if the information subsequently
32 received indicates the applicant is ineligible for a
33 permit and the application is denied. A person whose
34 application for a permit under this chapter is denied
35 may seek review of the denial under section 724.21A.

36 Sec. ____ . NEW SECTION. 724.11A Reciprocity.

37 1. The commissioner of public safety shall compare
38 the provisions of sections 724.7 and 724.8 with similar
39 statutes of other states to determine whether such
40 state's laws are similar to or exceed the requirements
41 of sections 724.7 and 724.8. The commissioner shall
42 seek a reciprocity agreement with each state whose laws
43 are similar to or exceed the requirements of sections
44 724.7 and 724.8.

45 2. A valid nonprofessional permit or license to
46 carry weapons recognized in this state pursuant to
47 subsection 1 shall have the same legal effect as a
48 nonprofessional permit to carry weapons issued under
49 this chapter, except that such permit shall not be
50 considered to be a substitute for an annual permit to

1 acquire weapons issued pursuant to section 724.15.

2 Sec. _____. Section 724.13, Code 2009, is amended by
3 striking the section and inserting in lieu thereof the
4 following:

5 **724.13 Suspension or revocation of permit to carry**
6 **weapons.**

7 An issuing officer who finds that a person issued
8 a permit to carry weapons under this chapter has
9 been arrested for a disqualifying offense or is the
10 subject of proceedings that could lead to the person's
11 ineligibility for such permit may immediately suspend
12 such permit. An issuing officer proceeding under this
13 section shall immediately notify the permit holder of
14 the suspension by personal service or certified mail on
15 a form prescribed and published by the commissioner of
16 public safety and the suspension shall become effective
17 upon the permit holder's receipt of such notice. If
18 the suspension is based on an arrest or a proceeding
19 that does not result in a disqualifying conviction or
20 finding against the permit holder, the issuing officer
21 shall immediately reinstate the permit upon receipt of
22 proof of the matter's final disposition. If the arrest
23 leads to a disqualifying conviction or the proceedings
24 to a disqualifying finding, the issuing officer shall
25 revoke the permit. The issuing officer may also
26 revoke the permit of a person whom the issuing officer
27 later finds was not qualified for such a permit at the
28 time of issuance or who the officer finds provided
29 materially false information on the permit application.
30 A person aggrieved by a suspension or revocation under
31 this section may seek review of the decision pursuant
32 to section 724.21A.

33 Sec. _____. Section 724.15, Code 2009, is amended to
34 read as follows:

35 **724.15 Annual permit to acquire pistols or**
36 **revolvers.**

37 1. Any person who ~~acquires~~ desires to
38 acquire ownership of any pistol or revolver shall
39 first obtain an annual permit. An annual permit shall
40 not be issued upon request to any person resident of
41 this state unless the person is subject to any of the
42 following:

43 ~~a. The person is~~ Is less than twenty-one years of
44 ~~age or older.~~

45 ~~b. The person has never been convicted of a felony.~~

46 ~~c. The person is not addicted to the use of alcohol~~
47 ~~or a controlled substance.~~

48 ~~d. The person has no history of repeated acts of~~
49 ~~violence.~~

50 ~~e. The person has never been convicted of a crime~~

1 ~~defined in chapter 708, except "assault" as defined in~~
2 ~~section 708.1 and "harassment" as defined in section~~
3 ~~708.7.~~

4 ~~f. The person has never been adjudged mentally~~
5 ~~incompetent.~~

6 b. Is subject to the provisions of section 724.26.

7 c. Is prohibited by federal law from shipping,
8 possessing, or receiving a firearm.

9 2. Any person who acquires ownership of a pistol
10 or revolver shall not be required to obtain an annual
11 permit if any of the following apply:

12 a. The person transferring the pistol or revolver
13 and the person acquiring the pistol or revolver are
14 licensed firearms dealers under federal law.

15 b. The pistol or revolver acquired is an antique
16 firearm, a collector's item, a device which is not
17 designed or redesigned for use as a weapon, a device
18 which is designed solely for use as a signaling,
19 pyrotechnic, line-throwing, safety, or similar device,
20 or a firearm which is unserviceable by reason of being
21 unable to discharge a shot by means of an explosive
22 and is incapable of being readily restored to a firing
23 condition; ~~or.~~

24 c. The person acquiring the pistol or revolver is
25 authorized to do so on behalf of a law enforcement
26 agency.

27 d. The person has obtained a valid permit to carry
28 weapons, as provided in section 724.11.

29 e. The person transferring the pistol or revolver
30 and the person acquiring the pistol or revolver
31 are related to one another within the second degree
32 of consanguinity or affinity unless the person
33 transferring the pistol or revolver knows that the
34 person acquiring the pistol or revolver would be
35 ~~ineligible to obtain~~ disqualified from obtaining a
36 permit.

37 3. The annual permit to acquire pistols or
38 revolvers shall authorize the permit holder to acquire
39 one or more pistols or revolvers during the period
40 that the permit remains valid. ~~If the issuing officer~~
41 ~~determines that the applicant has become disqualified~~
42 ~~under the provisions of subsection 1, the issuing~~
43 ~~officer may immediately invalidate the permit.~~

44 4. An issuing officer who finds that a person
45 issued a permit to acquire pistols or revolvers under
46 this chapter has been arrested for a disqualifying
47 offense or who is the subject of proceedings that could
48 lead to the person's ineligibility for such permit may
49 immediately suspend such permit. An issuing officer
50 proceeding under this subsection shall immediately

1 notify the permit holder of the suspension by personal
2 service or certified mail on a form prescribed and
3 published by the commissioner of public safety and
4 the suspension shall become effective upon the permit
5 holder's receipt of such notice. If the suspension
6 is based on an arrest or a proceeding that does not
7 result in a disqualifying conviction or finding against
8 the permit holder, the commissioner shall immediately
9 reinstate the permit upon receipt of proof of the
10 matter's final disposition. If the arrest leads to
11 a disqualifying conviction or the proceedings to a
12 disqualifying finding, the issuing officer shall revoke
13 the permit. The issuing officer may also revoke the
14 permit of a person whom the issuing officer later finds
15 was not qualified for such a permit at the time of
16 issuance or who the officer finds provided materially
17 false information on the permit application. A person
18 aggrieved by a suspension or revocation under this
19 subsection may seek review of the decision, pursuant
20 to section 724.21A.

21 Sec. ____. Section 724.17, Code 2009, is amended to
22 read as follows:

23 **724.17 Application for annual permit to acquire —**
24 **criminal history check required.**

25 The application for an annual permit to acquire
26 pistols or revolvers may be made to the sheriff of the
27 county of the applicant's residence and shall be on a
28 form prescribed and published by the commissioner of
29 public safety. The application shall state require
30 only the full name of the applicant, the driver's
31 license or nonoperator's identification card number of
32 the applicant, the residence of the applicant, and the
33 age and place of birth of the applicant. The applicant
34 shall also display an identification card that bears
35 a distinguishing number assigned to the cardholder,
36 the full name, date of birth, sex, residence address,
37 and brief description and colored photograph of the
38 cardholder, or other identification as specified by
39 rule of the department of public safety. The sheriff
40 shall conduct a criminal history check concerning
41 each applicant by obtaining criminal history data
42 from the department of public safety which shall
43 include an inquiry of the national instant criminal
44 background system maintained by the federal bureau of
45 investigation or any successor agency. A person who
46 knowingly makes a false statement of material fact on
47 the application commits a class "D" felony. A person
48 who knowingly makes a false statement of material fact
49 on an application submitted under this section or who
50 knowingly submits any materially falsified or forged

1 document in connection with such application commits
2 an aggravated misdemeanor.

3 Sec. _____. NEW SECTION. 724.21A Hearing on denial,
4 suspension, or revocation of permit to carry weapons and
5 permits to acquire pistols or revolvers.

6 1. In any case where the sheriff or the
7 commissioner of public safety denies an application
8 for or suspends or revokes a permit to carry weapons
9 or an annual permit to acquire pistols or revolvers,
10 the applicant or permit holder shall have the right to
11 appeal the denial, suspension, or revocation of the
12 permit to an administrative law judge in the department
13 of inspections and appeals within thirty days of
14 receiving written notice of the denial, suspension, or
15 revocation.

16 2. The applicant or permit holder may file an
17 appeal with an administrative law judge by filing a
18 copy of the denial, suspension, or revocation notice
19 with a written statement that clearly states the
20 applicant's reasons rebutting the denial, suspension,
21 or revocation along with a fee of ten dollars.
22 Additional supporting information relevant to the
23 proceedings may also be included.

24 3. The administrative law judge shall grant an
25 aggrieved applicant an opportunity to be heard within
26 forty-five days of receipt of the request for an
27 appeal. The hearing may be held by telephone or video
28 conference at the discretion of the administrative law
29 judge. The administrative law judge shall receive
30 witness testimony and other evidence relevant to the
31 proceedings at the hearing.

32 4. Upon conclusion of the hearing, the
33 administrative law judge shall order that the denial,
34 suspension, or revocation of the permit be either
35 rescinded or sustained. An applicant, permit holder,
36 or issuing officer aggrieved by the final judgment of
37 the administrative law judge shall have the right to
38 judicial review in accordance with the terms of the
39 Iowa administrative procedure Act, chapter 17A.

40 Sec. _____. Section 724.25, subsection 1, Code 2009,
41 is amended to read as follows:

42 1. As used in ~~sections 724.8, subsection 2,~~
43 ~~and section 724.26,~~ the word "*felony*" means any offense
44 punishable in the jurisdiction where it occurred
45 by imprisonment for a term exceeding one year, but
46 does not include any offense, other than an offense
47 involving a firearm or explosive, classified as a
48 misdemeanor under the laws of the state and punishable
49 by a term of imprisonment of two years or less.

50 Sec. _____. Section 724.27, Code 2009, is amended to

1 read as follows:

2 **724.27 Offenders' rights restored.**

3 1. The provisions of section 724.8, subsection
4 2, section 724.15, subsection 1, paragraphs "b" and
5 "c", and section 724.26 shall not apply to a person who
6 is eligible to have the person's civil rights regarding
7 firearms restored under section 914.7 and who is
8 pardoned or has had the person's civil rights restored
9 by the President of the United States or the chief
10 executive of a state and who is expressly authorized
11 by the President of the United States or such chief
12 executive to receive, transport, or possess firearms or
13 destructive devices. if any of the following occur:
14 a. The person is pardoned by the President of the
15 United States or the chief executive of a state for a
16 disqualifying conviction.
17 b. The person's civil rights have been restored
18 after a disqualifying conviction, commitment, or
19 adjudication.
20 c. The person's conviction for a disqualifying
21 offense has been expunged.
22 2. Subsection 1 shall not apply to a person whose
23 pardon, restoration of civil rights, or expungement of
24 conviction expressly forbids the person to receive,
25 transport, or possess firearms or destructive devices.>
26 2. By renumbering as necessary.

PAULSEN of Linn